

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

STEPHEN MANDILE,  
Plaintiff,

v.

UXBRIDGE SCHOOL COMMITTEE; and  
MICHAEL BALDASSARRE, in his  
personal and official capacities,  
Defendants.

Civil Action No. 4:23-cv-40142

**MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND FOR A  
PRELIMINARY INJUNCTION**

**[ORAL ARGUMENT REQUESTED]**

Plaintiff, Stephen Mandile, files this motion for a temporary restraining order and preliminary injunction to enjoin Defendants from the enforcement of an unconstitutional and otherwise harmful no trespass order. This unconstitutional order, issued by a Superintendent who fears criticism of his performance, forbids Plaintiff from entering upon the premises of Uxbridge Public Schools for events that are not open to the public without an express invitation from the school, prohibiting him from going within 100 feet of Defendant Baldassarre, a *de facto* ban from Uxbridge School Committee meetings, prohibiting him from holding signs on public property outside of the schools, and banning his attendance at off-campus, school-related events that are not open to the public. A temporary restraining order is necessary to permit Mr. Mandile to attend the upcoming Whitin School Band field trip to the University of Massachusetts on November 2, 2023; the Uxbridge School Committee meeting on October 25, 2023; and the Trunk-or-Treat Halloween event on October 21, 2023. A preliminary injunction is needed to generally avoid the No Trespass Order during this litigation.

As set forth in the accompanying memorandum, the order violates the First Amendment and the Fourteenth Amendment. This motion is based on all pleadings and papers on file herein

and the attached Memorandum of Points and Authorities, and any further argument and evidence as may be presented at hearing.

### **REQUEST FOR ORAL ARGUMENT**

Pursuant to L.R. 7.1(d), Plaintiff hereby requests oral argument and evidentiary hearing on the preliminary injunction request; the temporary restraining order to permit interim attendance and preserve the *status quo ex ante*, can be resolved with or without a hearing. Hearing may facilitate this Court's understanding of the factual and legal issues given the exigency of this motion, or other purported evidence in response. "[W]hen the parties' competing versions of the pertinent factual events are in sharp dispute, such that the propriety of injunctive relief hinges on determinations of credibility, the inappropriateness of proceeding on affidavits alone attains its maximum." *Campbell Soup Co. v. Giles*, 47 F.3d 467, 470 (1st Cir. 1995)(cleaned up).

WHEREFORE, Plaintiff respectfully requests this Honorable Court issue the requested Temporary Restraining Order and Preliminary Injunction.

Dated: October 17, 2023.

Respectfully Submitted,

/s/ Marc J. Randazza

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